

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MOISES CHAVEZ,

Plaintiff,

v.

A. GOMEZ, et al.,

Defendants.

No. 1:20-cv-01684-JLT-SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION

(Doc. No. 8)

Plaintiff Moises Chavez is a county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 7, 2021, the assigned magistrate issued a screening order directing Plaintiff to file a first amended complaint. (Doc. No. 6.) On September 15, 2021, the U.S. Postal Service returned the order as undeliverable to Plaintiff.

Pursuant to Local Rule 183(b), if mail directed to a *pro se* plaintiff “is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within sixty-three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.” Although more than 63 days have passed since the U.S. Postal Service returned the magistrate judge’s order, Plaintiff has failed to notify the Court of his current address.

1 Accordingly, on November 24, 2021, the assigned magistrate judge issued findings and  
2 recommendations, recommending that this action be dismissed without prejudice for Plaintiff's  
3 failure to prosecute. (Doc. No. 8.) The findings and recommendations were served on Plaintiff  
4 and provided him 14 days to file objections thereto. (*Id.* at 2.) Plaintiff has not filed any  
5 objections, and the time to do so has passed.<sup>1</sup>

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
7 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the  
8 findings and recommendations to be supported by the record and proper analysis. Accordingly,  
9 the Court ORDERS:

- 10 1. The findings and recommendations issued on November 24, 2021 (Doc. No. 8) are  
11 ADOPTED in full;
- 12 2. This action is DISMISSED without prejudice for Plaintiff's failure to prosecute;  
13 and,
- 14 3. The Clerk of the Court is DIRECTED to close this case.

15 IT IS SO ORDERED.

16 Dated: **January 20, 2022**

17   
UNITED STATES DISTRICT JUDGE

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28 <sup>1</sup> The U.S. Postal Service returned the findings and recommendations as undeliverable to Plaintiff on December 2,  
2021. Pursuant to Local Rule 182(f), if a *pro se* party fails to notify the court of a change of address, "service of  
documents at the prior address [of record] of the . . . party shall be fully effective."